



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,956	10/03/2001	David Montgomery Vamon	USA.229	2660

7590 03/18/2004  
RALPH D'ALESSANDRO  
3D SYSTEM, INC.  
26081 AVENUE HALL  
VALENCIA, CA 91355

EXAMINER

STEWART JR, CHARLES W

ART UNIT PAPER NUMBER

2853

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

***DETAILED ACTION***

***Election/Restrictions***

This application contains directed to the following patentably distinct species of the claimed invention:

Group I in claims 1-30 is related to a method/apparatus for dispensing a build material in a flowable state from a dispensing device.

Group II in claims 31-49 is related to a method/apparatus for delivering at least one unused material and removing waste material in a solid freeform fabrication apparatus.

Group III in claims 50-61 is related to an apparatus for a solid freeform fabrication apparatus for forming a three-dimensional object in a layerwise fashion by dispensing at least one material.

Group IV in claims 62-66 is related to an apparatus for a container for delivering unused material and for receiving waste material in a solid freedom fabrication.

Applicant is required under 35 U.S.C. to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Art Unit: 2853

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Mr. Ralph D' Alessandro on March 10, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

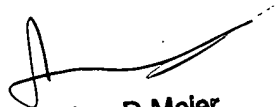
Art Unit: 2853

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Stewart, Jr., whose telephone number is (571) 272-2154. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Charles Stewart, Jr. 

March 10, 2004

  
Stephen D. Meier  
Primary Examiner